REMARKS / ARGUMENTS

1. Response to July 9, 2008 Office Action

The Assignee thanks the Examiner for the telephonic interview on September 15, 2008 to discuss the distinctions in the cited references of the July 9, 2008 Office Action. The referenced Office Action initially rejects pending claims 1-23 over a primary reference to *Kasik* (US 6,448,898) under 35 U.S.C. § 102(b) for the majority of the claims, or *Kasik* in combination with *Hassett* (US 5,347,274) under 35 U.S.C. § 103(a) for two dependent claims. The Assignee has drafted reasons explained herein consistent with the telephonic interview.

Independent claims 1 and 12 have been amended based on the telephonic interview with the Examiner to clarify to the Examiner the tracking of locations of the waste storage unit. Dependent claims 2 and 16 have been amended to respond to the section 112 informalities required by the Examiner.

For the convenience of the Examiner, Assignee has reprinted portions of the substance of the Office Action below. Assignee's arguments immediately follow in regular font.

Assignee respectfully traverses the rejection of the independent claims 1 and 12 and associated dependent claims. Assignee does not accede to the Office Action's characterization of *Kasik* as applied to the claims, and Assignee respectfully reserves its right to disagree with that characterization in the future.

As discussed in the telephonic interview, *Kasik* teaches a refuse collection system for a refuse container at a single known location at generally a pre-established schedule. As described in general from col. 1, l. 58 through col. 2, l. 49, the collection service takes the steps to empty the container at the known location. To increase efficiency of service, *Kasik* provides a flag to signal when a container has been accessed and when it has been emptied. The operator can empty only those containers having a signaling device which indicates the particular container

has been accessed to add waste to the container, and bypass others that have not been accessed to add waste. The billing to such locations can be based on the number of times the containers at that location have been serviced and emptied. To verify the access, steps are taken, preferably automatically, to identify the subscriber (e.g., by address) and to store data corresponding to each transaction.

In more detail, *Kasik* describes tracking identification of the subscriber (customer) such as by address, which can include the address or other markings on the container to identify the particular subscriber to which the container is assigned. (Col. 6, ll. 53-64; col. 7, ll. 5-34.) A data receptor such as a CCD camera is positioned to inspect the containers addressed by the service vehicle, such as on the lifting mechanisms to capture the video record of the service at that location and time. (Col. 8, l. 35-col. 9, l. 30.) When the automatic reading and processing does not occur, an alarm can be sent to the operator for manual entry. (Col. 9, ll. 30-50.) The stored data can be downloaded and transferred to a central processing unit, which can be processed to produce customer billing according to the number of times the subscriber's container has been emptied, the weight of the contents, and so forth which can reflect the actual cost of the services performed. (Col. 10, ll. 61-67.)

Thus, while *Kasik* relates to a system for processing waste containers, it does not track a location of a waste storage unit. *Kasik assumes* and does not disclose otherwise that the identified container is *at the assigned and proper location.* In fact, if the container was inadvertently at another location, *Kasik*'s system does not have a disclosure or method to be able to track differently and the service on that container apparently would be billed to a different customer and create an erroneous billing. *Kasik* simply has no teaching for tracking the whereabouts of a container.

While the original claims specifically recited tracking a location, as a result of the telephonic interview, the Assignee has amended the two independent claims to note that the containers can be a variety of locations and the contemplated invention tracks the whereabouts of

the containers at the possible variety of locations. Thus, in contrast to *Kasik*, the location of the container is tracked, so that the container can be located and the proper billing can be performed, the container can be recovered, and other aspects. Such aspects are disclosed throughout the application, including Figures 11, 15, and 19 as exemplary, and at pg. 7, ln 26-30, pg. 9, ln 14-28, pg 19, ln 5-30, pg 21, ln 27 to pg 22, ln 8, and pg 24, ln 5-26, as exemplary.

Further, *Kasik* does not disclose allowing onsite input at a customer facility from preprogrammed queries regarding the waste removal. *Kasik* discloses an alarm to the operator if the automatic reading of the container's identification is not able to identify the container or record the service provided. There is no teaching of a preprogrammed system of queries. As the term is used herein, "preprogrammed queries" includes a sequence of steps that guide the operator through a defined set of questions, instructions, or options. Such aspect is found throughout the application, including Figures 5, 7-16, 19, 21, 22-24, and 26-27 as exemplary, and at pg. 7, ln 8-20, pg. 14, ln 25 to pg. 15, ln 11, pg. 16, ln 11-23, pg. 17, ln 30 to pg. 18, ln 5, pg. 18, ln 14-27, pg. 20, ln 1-22, and pg. 21, ln 15-26, as exemplary. The complexities of certain aspects of the system and proper recordation of desired or necessary information are assisted by the preprogrammed system of queries. *Kasik* has no teaching for such preprogrammed queries and in contrast discloses automatic recognition of the container, weight, and other characteristics needed. Only if there is an error, does *Kasik* suggest manual input and in no event discloses guiding the operator through a series of preprogrammed queries.

Separate and apart from the other distinctions of *Kasik*, *Kasik* has no teaching for billing a customer at the site, as claimed in dependent claims 11 and 19. *Kasik* teaches gathering information for billing and downloading the information, but fails to disclose generating an invoice at the customer site. In contrast, *Kasik* teaches using the collected information over time "of the services [plural] performed" (col. 10, l. 67) that apparently creates an aggregated bill from multiple service times. Further, *Kasik* has no teaching of a manifest that is required for a governmental tracking of certain types of industrial and commercial wastes that prescribes certain specific types of inputs. The system is adapted to comply with the requirements as

claimed in claims 3 and 17, and thus necessarily obtain and input the data necessary for such requirements, which includes the type of waste. *Kasik* has no teaching for determining the type of waste, among other aspects..

For these and other reasons, the Assignee respectfully submits that *Kasik* does not teach, show, suggest, or otherwise anticipate or make obvious the present invention. The Examiner is requested to reconsider the claims as presented and allow claims over *Kasik*.

Assignee respectfully traverses the rejection of the dependent claims 2 and 16. Assignee does not accede to the Office Action's characterization of *Kasik* in view of *Hassett* as applied to the claims, and Assignee respectfully reserves its right to disagree with that characterization in the future. Further, in light of the distinctions of *Kasik* above as to the independent claims 1 and 12, it is believed that the dependent claims 2 and 16 are patentable and the rejection is mooted.

2.   <u>Conclusion</u>

Claims 1-23 are currently pending in this application and are presented with the above remarks for the Examiner. Assignee submits that each claim presented herein is patentable. A timely notice of allowance is respectfully requested.

Assignee thanks the Examiner for her consideration and effort on this file. If there are any questions or if additional information is needed, the Examiner is invited to telephone or email the undersigned.

Respectfully submitted,

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